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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,048	02/25/2000	Robin R. Oder	ODER-8	6808

7590

02/07/2003

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EXAMINER

HONG, WILLIAM

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/514,048

Applicant(s)

ODER ET AL.

Examiner

William Hong

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-18,28,29,32-45 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,5-18,28,29,32-45 and 48-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response To Amendment

Applicant's amendment received November 13, 2002, has been entered and fully considered. An action on the merits follows.

Information Disclosure Statement

The citing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Specifically, applicant cites several publications in the specification and does not submit the publications in an IDS for the examiner to consider. Moreover, the applicant also states in the specification that the publications cited in the specification are "incorporated by reference". This is not proper, especially in light of the fact that the applicant has not complied with the requirements for an IDS and have not submitted a copy of the publications.

Specification

Applicant states in his remarks that a shortened abstract was submitted. However, no such abstract has been received by the Office. Accordingly, the specification objection remains outstanding and is herein repeated for the applicant's convenience.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b)..

Appropriate correction is required for the above specification objections. Additionally, the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

Applicant states in his remarks that amended drawings were submitted. However, no such drawings have been received by the Office. Accordingly, the drawing objections remain outstanding and are herein repeated for the applicant's convenience. Please note: The drawing objections are NOT held in abeyance as noted in the previous Office Action. If the drawing objections are not addressed within 30 days from the mailing of this Office Action, this application will be held in ABANDONMENT.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 7, 8, 9, and 10 have been used to designate both a removal mechanism and a separation mechanism.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "705" and "612" have both been used to designate an air lock. Additionally, reference characters "611" and "711" have both been used to designate a flange for the air lock. Are these the same air lock?

The drawings are objected to because the specification on page 18, line 24 calls for a "suspended 203". It is not clear to the examiner from the description or the drawings that reference 203 is a "suspended".

A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objections to the drawings will not be held in abeyance.

Conclusion

The reply filed on November 13, 2002, is not fully responsive to the prior Office Action because of the matter(s) noted in the drawing objections. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Hong whose telephone number is 703-308-9619. The examiner can normally be reached on Mon-Thu, 8:00a-6:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on 703-308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

A handwritten signature in black ink, appearing to be 'W. Hong', written over a horizontal line.

William Hong
Primary Examiner
Art Unit 3725

February 5, 2003